

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. XW-33

First Inventor Xingwu Wang

Title "Implantable Fuel Cell"

Express Mail Label No. EV 021900543 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 24]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration [Total Pages 2]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☒ Other: See Attachment.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information:

Examiner

of prior application No. /

Group Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

Name

27157

PATENT TRADEMARK OFFICE

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Howard J. Greenwald

Registration No. (Attorney/Agent)

24,247

Signature

Date 12/31/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Attorney Docket No.: XW-33
First Inventor: Xingwu Wang
Title: "Implantable Fuel Cell"
Express Mail Label No.: EV 021900543 US

UTILITY PATENT APPLICATION TRANSMITTAL (PTO/SB/05)

17. Other Accompanying Application Parts (Cont'd):

Utility Patent Application Transmittal

Certificate of Express Mailing

Check

01-04-2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

EXPRESS MAIL MAILING LABEL NUMBER: **EV 021900543 US**

DATE OF THE DEPOSIT: 12-31-01

I hereby certify that the application identified herein as:

"Implantable Fuel Cell"

including the following documents:

Specification (24 Pages):

Drawings (7 Pages):

Utility XXX Design _____ Provisional _____ Patent Application:

Declaration

Fee Transmittal Form

Utility Patent Application Transmittal

Certificate of Express Mailing

Nonpublication Request Form

Return Postcard

Check 1007 for \$ 370.00.

is being deposited with the United States Postal Service, using "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

PERSON MAILING THE APPLICATION:

349 West Commercial Street

Suite 2490

East Rochester, New York 14445

(716) 387-0280

SIGNATURE OF MAILER:

☒ **Howard J. Greenwald, Esq. (Reg. No. 24,247)**

☐ **Duane C. Basch, Esq. (Reg. No. 34,545)**

☐ **Suzanne T. Stockman**

☐ **Dollie C. Masters**

☐ **Other:** _____

7
JC720 U.S. PTO
10/035985
12/31/01

JC821 U.S. PTO
12/31/01

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT

(\$ 370.00)

Complete if Known

Application Number

Filing Date

First Named Inventor

Xingwu Wang

Examiner Name

Group Art Unit

Attorney Docket No.

XW-33

METHOD OF PAYMENT

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-1706

Deposit
Account
Name

Greenwald & Basch LLP

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status
-
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money
-
- Order
- ☐
- Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$)

101 740 201 370 Utility filing fee

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

Fee Paid

370.00

SUBTOTAL (1) (\$ 370.00)

2. EXTRA CLAIM FEES

Total Claims	18	-20** = 0	X	Fee from below	= 0	Fee Paid
Independent Claims	1	-3** = 0	X		= 0	
Multiple Dependent						

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 ** Reissue independent claims over original patent

110 18 210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**Large Small
Entity EntityFee Fee Fee Fee
Code (\$) Code (\$)

Fee Description

Fee Paid

105 130 205 65

Surcharge - late filing fee or oath

127 50 227 25

Surcharge - late provisional filing fee or cover sheet

139 130 139 130

Non-English specification

147 2,520 147 2,520

For filing a request for *ex parte* reexamination

112 920* 112 920*

Requesting publication of SIR prior to Examiner action

113 1,840* 113 1,840*

Requesting publication of SIR after Examiner action

115 110 215 55

Extension for reply within first month

116 400 216 200

Extension for reply within second month

117 920 217 460

Extension for reply within third month

118 1,440 218 720

Extension for reply within fourth month

128 1,960 228 980

Extension for reply within fifth month

119 320 219 160

Notice of Appeal

120 320 220 160

Filing a brief in support of an appeal

121 280 221 140

Request for oral hearing

138 1,510 138 1,510

Petition to institute a public use proceeding

140 110 240 55

Petition to revive - unavoidable

141 1,280 241 640

Petition to revive - unintentional

142 1,280 242 640

Utility issue fee (or reissue)

143 460 243 230

Design issue fee

144 620 244 310

Plant issue fee

122 130 122 130

Petitions to the Commissioner

123 50 123 50

Processing fee under 37 CFR 1.17(q)

126 180 126 180

Submission of Information Disclosure Stmt

581 40 581 40

Recording each patent assignment per property (times number of properties)

146 740 246 370

Filing a submission after final rejection (37 CFR § 1.129(a))

149 740 249 370

For each additional invention to be examined (37 CFR § 1.129(b))

179 740 279 370

Request for Continued Examination (RCE)

169 900 169 900

Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Howard J. Greenwald

Registration No.

24,247

Telephone

585-387-0280

Signature

Date

12/7/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Xingwu Wang

Title "Implantable Fuel Cell"

Atty Docket Number XW-33

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/31/01
Date


Signature

Howard J. Greenwald
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**